

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ROBERT SLOGER,

Plaintiff,

v.

**MIDWEST MEDICAL SUPPLY
COMPANY,**

Defendant.

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Civil No. **04-291 WDS**

ORDER

PROUD, Magistrate Judge:

Before the Court is Defendant's Motion for Sanctions. (**Doc. 23**). Plaintiff has filed a response in opposition, **Doc. 24**, and defendant has filed a reply, **Doc. 25**.

Defendant seeks sanctions pursuant to **Fed.R.Civ.P.37(d)** for plaintiff's failure to appear for the third session of his deposition. Plaintiff's attorney called defendant's attorney while defendant's attorney was on the way to the deposition and informed him that plaintiff would not be appearing. Defendant seeks sanctions of dismissal of the complaint and reimbursement of its costs and expenses associated with preparing for the deposition.

Judge Stiehl has granted defendant's motion for summary judgment. **See, Doc. 48**. Under the circumstances, sanctions are inappropriate.

Defendant's Motion for Sanctions (**Doc. 23**) is **DENIED**.

IT IS SO ORDERED.

DATE: February 14, 2006.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE